



# Employment Security Department

WASHINGTON STATE

## Workforce Innovation and Opportunity Act Policy Employment System Administration and Policy

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Washington envisions a nationally recognized fully integrated One-Stop system with enhanced customer access to program services, improved long-term employment outcomes for job seekers and consistent, high quality services to business customers. In order to achieve this vision, Employment System Administration and Policy sets a common direction and standards for Washington's WorkSource system through the development of WorkSource system policies, information memoranda, and technical assistance.

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**Policy Number:** 5614

**To:** Washington WorkSource System

**Effective Date:** July 1, 2015

**Subject:** Local Workforce Development Board Certification

### 1. Purpose:

Section 107(c)(2) of the Workforce Innovation and Opportunity Act (WIOA) requires the Governor to certify one Local Workforce Development Board (LWDB) for each local area in the state. The Governor has designated that the State Workforce Development Board (SWDB) conduct the LWDB certification, recertification and decertification process.

This policy establishes the certification process and criteria, consistent with the directive issued by the SWDB on August 27, 2015, that will be used by the Governor and SWDB to certify all LWDBs.

This policy further includes a tool to identify which data will be collected and reviewed from which sources in order to certify LWDBs.

### 2. Background:

WIOA requires that one LWDB be certified for each local area by July 1, 2016. After that, LWDBs must be recertified every two years

WIOA identifies the primary role of LWDB leadership as assuring that the needs of business, workers, and job seekers are met by the public workforce system. LWDBs may act as leaders for specific efforts, as well as convening, organizing, coordinating, facilitating, and/or supporting the efforts of others in the community to achieve the best possible results

for system customers.

WIOA clearly defines 13 functions that LWDBs must perform in order to maintain certification. The process described in this policy utilizes the Local Workforce Development Plan developed and updated by LWDBs as a primary resource for determining whether LWDBs are performing those 13 functions.

### **3. Policy:**

#### **a. Certification Committee Membership**

The Certification Committee consists of one labor, one business, and one (voting) agency member, to be appointed by the SWDB.

#### **b. Certification**

LWDBs must be certified once every two years, as required by WIOA. The Certification Committee will convene prior to June on even numbered years to determine whether LWDBs meet certification criteria in Section 3(c) of this policy.

Certifications will be performed and documented using a certification tool (Attachment A) based on criteria in Section 3(c) of this policy. The tool identifies acceptable source documentation used to address these criteria.

Local plan updates must be submitted to the SWDB staff for use in populating the certification tool. The plan updates will serve to address certification criteria as outlined in the tool. These updates will not require major plan modifications unless local areas determine changes in status require the plan to be modified.

The Certification Committee must inform the SWDB of its determination regarding whether LWDBs meet the criteria. The SWDB must recommend to the Governor whether to certify, provisionally certify or decertify LWDBs based on the advice of the Certification Committee.

#### **c. Certification Criteria**

- i. Initial certification: LWDBs are only required to meet membership criteria as described in WIOA Title I Policy [5610 Rev 1](#).
- ii. Subsequent certification: LWDBs are required to meet the criteria for:
  - Board membership as described in WIOA Title I Policy [5610 Rev 1](#)
  - Successful performance
  - Fiscal integrity
  - Fulfilling the 13 required functions of LWDBs

#### **d. Provisional Certification**

LWDBs may be provisionally certified if the LWDB is generally in compliance with certification criteria and able to address any issues in a reasonable time as determined via negotiations between the SWDB and the LWDB, pending remediation of those issues.

#### **e. Decertification:**

LWDBs may be considered for decertification for:

- i. Failure to remedy issues identified via provisional certification.
- ii. Failure to achieve certification.
- iii. Fraud, abuse, or failure to carry out required functions as per the Act, as described in the local plan submission and/or update.

#### **f. Decertification Process and Identification of a New Workforce Board:**

LWDBs that are unable to rectify issues that affect certification, have committed fraud or abuse, or have failed to carry out the required functions as per the Act, the Governor, in consultation with the Chief Elected Official(s), will decertify and reorganize the LWDB and establish timelines for the organization, appointment, and certification of a new LWDB.

### **4. Definitions:**

Leadership – A process of social influence in which a person can enlist the aid and support of others in the accomplishment of a common task.

Performed Successfully – The local area met or exceeded local levels of performance negotiated by the Governor with local boards and chief local elected officials and the local area has not failed any individual measure for the last two consecutive program years before the enactment of WIOA for initial designation and in the first two years of enactment for subsequent designation. The terms “met or exceeded” and “failed” are defined as consistent with how those terms were defined at the time the performance levels were negotiated. The Governor cannot retroactively apply higher thresholds to previously negotiated performance targets. [WIOA Section 106(e)(1)]

Sustained Fiscal Integrity – The Secretary of Labor has not made a formal determination that either the grant recipient or administrative entity of the local areas misexpended funds due to willful disregard of the requirements of the provisions involved, gross negligence, or failure to comply with accepted standards of administration for the two-year period preceding the Secretary’s determination. [WIOA Section 106(e)(2)]

**5. References:**

- [WIOA Section 106\(e\)\(1-2\)](#)
- [WIOA Section 107\(c\)\(2\)](#)
- [WIOA Section 107\(c\)\(2\)\(A-C\)](#)
- [WIOA Section 107\(c\)\(3\)](#)
- [WIOA Section 107\(c\)\(3\)\(C\)](#)
- [WIOA Section 107\(d\)](#)
- [Proposed 20 CFR 679.310-370](#)
- [Training and Employment Guidance Letter \(TEGL\) 27-14](#)

**6. Supersedes:**

NA

**7. Website:**

[http://www.wa.gov/esd/1stop/policies/wioa\\_title1.htm](http://www.wa.gov/esd/1stop/policies/wioa_title1.htm)

**8. Action:**

LWDBs and their contractors, as well as Employment Security Regional Directors, should distribute this policy broadly throughout the system to ensure that WorkSource System staff are familiar with its content and requirements.

**9. Attachments:**

[Attachment A - Certification Tool \(PDF\)](#)

[Attachment A – Certification Tool \(Word\)](#)

**Direct Inquiries To:**

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